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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)
	)
Walter Mason STEWART et al.	)
	)
Serial No.: 09/704,790	) Examiner: Not Yet Assigned
	)
Filed: November 3, 2000	) Group Art Unit: 2131
	)
Title: E-MAIL VIRUS PROTECTION SYSTEM	)
AND METHOD	)

PETITION TO MAKE SPECIAL

Honorable Commissioner of Patents   Date: June 7, 2002
  and Trademarks
Washington, D.C. 20231

Sir:

Applicants hereby petition to make the above-captioned application special under the special examining procedure set forth in 37 C.F.R. §1.102 and MPEP §708.02 on the ground that a pre-examination search has been conducted by Applicants' attorney. The required fee is submitted herewith or, if not submitted herewith, may be charged to Deposit Account No. 23-2185 (109933.00103).

As set forth below, the Applicants respectfully submit that all requirements for accelerated examination under MPEP §708.02, subsection VIII, are met.

Applicants respectfully submit that all of the claims now presented in the above-captioned application are directed to a single invention. However, if the Office determines that all the claims now presented are not directed to a single invention, Applicants will make an election without traverse.

A pre-examination search was made through U.S. patents classified by the U.S. Patent

and Trademark Office in Class 713, "Electrical Computers and Digital Processing Systems:

Support," subclasses 200 and 201, and in Class 714, "Error Detection/Correction and Fault

Detection/Recovery," subclasses 48, 49, 799, 811, and 812.   The search was also made on the

U.S. Patent and Trademark Web site and the Delphion online patent research service U.S. and

foreign patent publications directed to viruses in e-mail, as well as on the Ixquick meta-search

engine for non-patent literature directed to the same subject.

The search disclosed the following references. Copies are provided with the Information

Disclosure Statement filed concurrently herewith, along with an English-language abstract of any

reference that is not in English.

I. U.S. patents and patent application publications

Number	Inventor(s)	Issue or publication date	Earliest effective filing date, if relevant
5,623,600	Ji et al	April 22, 1997	
5,832,208	Chen et al	November 3, 1998	
5,889,943	Ji et al	March 30, 1999	
6,092,194	Touboul	July 18, 2000	November 8, 1996
6,094,731	Waldin et al	July 25, 2000	November 24, 1997
2002/0035696	Thacker	March 21, 2002	June 9, 2000

II. Foreign patent publications

Country	Number	Publication date
Japan	11-167533	June 22, 1999
Japan	11-252158	September 17, 1999
Japan	2000-29799	January 28, 2000

III. Non-patent publications

"Declude Virus," http://www.declude.com/Virus/index.html, © 2000-2002 Computerized

Horizons.

Thacker '696 teaches a virus trap connected between a computer and a network for

preventing a virus from entering the computer from the network. Also provided is a fully isolated test computer, called a "safe house." A virus in a transferred file, such as an e-mail attachment, passes through the virus trap on its way to the user's computer. The virus may run and destroy sacrificial data in the virus trap. However, the virus trap includes failsafe technology (not disclosed in detail) which enables it to recover. Also, programs that the user downloads intentionally can be detected and sent to the safe house.

Chen et al '208 teaches a software agent for detecting and removing computer viruses located in attachments to e-mail messages. If an e-mail message has an attachment, the attachment is detached and sent to an anti-virus application for scanning. If the attachment is determined to have a virus, it can be deleted, and an alert may be generated.

Ji et al '943 teaches a system for the detection and elimination of viruses in e-mail and FTP transfers. If a virus is detected, the server can, according to a configuration file, transfer the file, delete the file, or store the file and notify the user of the file name and directory path from which the file can be manually requested.

"Declude Virus" teaches an anti-virus package which interacts directly with a mail server. The description is of particular interest because the stated purpose of the package is to reduce the number of servers involved in processing mail, thus teaching away from the present invention.

The other cited references are of general interest.

The Applicants respectfully submit that the invention disclosed and claimed in the above-captioned patent application is patentable over the references found in the search. In *Thacker,* the virus trap and the safe house both bear a passing resemblance to the sacrificial server of the present claimed invention. However, the conversion of the executable code from an executable

format to a non-executable format is not taught or suggested. The other references do not overcome that deficiency of *Thacker,* since they discuss simply passing, deleting, or storing a file rather than converting it as done in the present claimed invention. Moreover, given the cursory manner in which *Thacker* discloses key aspects of its invention, it is not clear that *Thacker* is an enabling reference even for what it discloses.

In summary, the search did not uncover any reference or references that anticipate the present invention or that, alone or in combination, would have rendered the present invention obvious.

For the reasons set forth above, the Applicants respectfully submit that the above-captioned application should be made special. Notice that the above-captioned application has been made special is earnestly solicited.

Please charge any deficiency in fees, or credit any overpayment thereof, to BLANK ROME COMISKY & McCAULEY LLP, Deposit Account No. 23-2185 (109933.00103).

Respectfully submitted,

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